

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	4:CR-05-0211
	:	
	:	
v.	:	
	:	(Judge McClure)
SHYNNELL WALKER,	:	
	:	
Defendant.	:	

**ORDER**

September 9, 2008

**BACKGROUND:**

Before the court is defendant Shynnell Walker's "Formal Motion To Review and Investigate Issue(s) For Appropriate [sic] Disposition" (Rec. Doc. No. 516, filed September 2, 2008). On July 11, 2006, Walker pled guilty to an amended superseding information. (Rec. Doc. No. 235). On January 25, 2007, this court sentenced Walker to 70 months of imprisonment and a \$1,000 fine. (Rec. Doc. No. 399).

For the following reasons, we will deny defendant's motion, without prejudice.

**DISCUSSION:**

A Section 2255 motion is the presumptive means by which a federal prisoner can challenge his conviction or sentence. See Davis v. United States, 417 U.S. 333, 343 (1974). Section 2255 permits a federal prisoner to challenge his sentence “upon the ground that [it] was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack.” 28 U.S.C. § 2255. As defendant’s motion is not filed under 28 U.S.C. § 2255, and because defendant has failed to show that Section 2255 is inadequate or ineffective to test the legality of his detention, we will deny the motion.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

Defendant’s “Formal Motion To Review and Investigate Issue(s) For Approate [sic] Disposition” (Rec. Doc. No. 516) is denied, without prejudice.

s/James F. McClure, Jr. \_\_\_\_\_  
James F. McClure, Jr.  
United States District Judge